

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICHARD LEE SMITH,

Defendant.

**CR-18-75-GF-BMM**

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on January 31, 2024. (Doc. 53.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on January 30, 2024. (Doc.52.) The United States accused Richard Smith (Smith) of violating his

conditions of supervised release 1) by failing to comply with his substance abuse testing requirements; and 2) by failing to successfully complete his sex offender treatment program on two separate occasions. (Doc. 45.)

At the revocation hearing, Smith admitted to having violated the conditions of his supervised release 1) by failing to comply with his substance abuse testing requirements; and 2) by failing to successfully complete his sex offender treatment program on two separate occasions. (Doc. 52.) Judge Johnston found that the violations Smith admitted are serious and warrants revocation of his supervised release and recommends a sentence until 12:00 p.m. (noon) on February 29, 2024, with 58 months of supervised release to follow. Smith was advised of his right to appeal and allocute before the undersigned and waived those rights. (Doc. 52.) The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 53) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Richard Lee Smith be sentenced to the Bureau of Prison until 12:00 p.m. (noon) on February 29, 2024 with 58 months of supervised release to follow. Smith should serve his term of custody in FCI Englewood in Englewood, Colorado.

DATED this 5th day of February, 2024.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a horizontal line extending from the end of the name.

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Brian Morris, Chief District Judge  
United States District Court